

AMENDED IN ASSEMBLY JANUARY 25, 2010

AMENDED IN ASSEMBLY JANUARY 15, 2010

AMENDED IN ASSEMBLY JANUARY 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 391

**Introduced by Assembly Member Torlakson
(Coauthor: Assembly Member Brownley)**

February 23, 2009

An act to amend Section 60603 of, and to add Section 60604.6 to, the Education Code, relating to pupil assessment.

LEGISLATIVE COUNSEL'S DIGEST

AB 391, as amended, Torlakson. Pupil assessment: STAR Program.

(1) The Leroy Greene California Assessment of Academic Achievement Act provides for the development of a statewide pupil assessment program, and defines various terms for those purposes.

This bill would define additional terms for those purposes.

(2) The act establishes the Standardized Testing and Reporting Program (the STAR Program), pursuant to which school districts, charter schools, and county offices of education are required to administer achievement tests to each of their pupils in grades 2 to 11, inclusive.

This bill would require the Superintendent of Public Instruction, on or before April 1, 2011, to contract for an independent evaluation of the STAR Program, as specified. The Superintendent would be required to provide this evaluation to the Legislature, the Governor, and the State Board of Education on or before November 1, 2011. The bill would require the State Department of Education to use ~~specified~~ federal funds; ~~not exceeding the amount of \$150,000~~, for the purpose of contracting

for the evaluation. *The bill would make the operation of these provisions contingent upon an appropriation for their purposes in the annual Budget Act or another statute.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 60603 of the Education Code, as amended
2 by Section 10 of Chapter 2 of the Fifth Extraordinary Session of
3 the Statutes of 2009, is amended to read:

4 60603. As used in this chapter:

5 (a) “Achievement test” means any standardized test that
6 measures the level of performance that a pupil has achieved in the
7 core curriculum areas.

8 (b) “Assessment of applied academic skills” means a form of
9 assessment that requires pupils to demonstrate their knowledge
10 of, and ability to apply, academic knowledge and skills in order
11 to solve problems and communicate. It may include, but is not
12 limited to, writing an essay response to a question, conducting an
13 experiment, or constructing a diagram or model. An assessment
14 of applied academic skills may not include assessments of personal
15 behavioral standards or skills, including, but not limited to, honesty,
16 sociability, ethics, or self-esteem.

17 (c) “Basic academic skills” means those skills in the subject
18 areas of reading, spelling, written expression, and mathematics
19 that provide the necessary foundation for mastery of more complex
20 intellectual abilities, including the synthesis and application of
21 knowledge.

22 (d) “Content standards” means the specific academic knowledge,
23 skills, and abilities that all public schools in this state are expected
24 to teach and all pupils expected to learn in each of the core
25 curriculum areas, at each grade level tested.

26 (e) “Core curriculum areas” means the areas of reading, writing,
27 mathematics, history-social science, and science.

28 (f) “Diagnostic assessment” means interim assessments of the
29 current level of achievement of a pupil that serves both of the
30 following purposes:

31 (1) The identification of particular academic standards or skills
32 a pupil has or has not yet achieved.

1 (2) The identification of possible reasons that a pupil has not
2 yet achieved particular academic standards or skills.

3 (g) “Direct writing assessment” means an assessment of applied
4 academic skills that requires pupils to use written expression to
5 demonstrate writing skills, including writing mechanics, grammar,
6 punctuation, and spelling.

7 (h) “End of course exam” means a comprehensive and
8 challenging assessment of pupil achievement in a particular subject
9 area or discipline.

10 (i) “Formative assessment” means assessment questions, tools,
11 and processes that are embedded in instruction and are used by
12 teachers and pupils to provide timely feedback for purposes of
13 adjusting instruction to improve learning.

14 (j) “High-quality assessment” means an assessment designed
15 to measure a pupil’s knowledge of, understanding of, and ability
16 to apply, critical concepts through the use of a variety of item types
17 and formats, such as open-ended responses and performance-based
18 tasks. The assessments should enable measurement of pupil
19 achievement and pupil growth; be of high-technical quality by
20 being valid, reliable, fair, and aligned to standards; incorporate
21 technology where appropriate; include the assessment of pupils
22 with disabilities and English learners; and, to the extent feasible,
23 use universal design principles, as defined in Section 3 of the
24 federal Assistive Technology Act of 1998 (29 U.S.C. Sec. 3002)
25 in development and administration.

26 (k) “Interim assessment” means an assessment that is given at
27 regular and specified intervals throughout the school year, is
28 designed to evaluate a pupil’s knowledge and skills relative to a
29 specific set of academic standards, and produces results that can
30 be aggregated by course, grade level, school, or local educational
31 agency, in order to inform teachers and administrators at the pupil,
32 classroom, school, and local educational agency levels.

33 (l) “Performance standards” are standards that define various
34 levels of competence at each grade level in each of the curriculum
35 areas for which content standards are established. Performance
36 standards gauge the degree to which a pupil has met the content
37 standards and the degree to which a school or school district has
38 met the content standards.

39 (m) “Publisher” means a commercial publisher or any other
40 public or private entity, other than the department, which is able

1 to provide tests or test items that meet the requirements of this
2 chapter.

3 (n) “Statewide pupil assessment program” means the systematic
4 achievement testing of pupils in grades 2 to 11, inclusive, pursuant
5 to the standardized testing and reporting program under Article 4
6 (commencing with Section 60640) and the assessment of basic
7 academic skills and applied academic skills, administered to pupils
8 in grade levels specified in subdivision (c) of Section 60605,
9 required by this chapter in all schools within each school district
10 by means of tests designated by the state board.

11 SEC. 2. Section 60604.6 is added to the Education Code, to
12 read:

13 60604.6. (a) On or before April 1, 2011, the Superintendent
14 shall contract with an independent evaluator, who shall report to
15 him or her, for evaluation of the STAR Program. The evaluation
16 shall be a meta-analysis of existing information and data from the
17 STAR Program based upon all of the following:

18 (1) Information gathered in field testing and annual
19 administrations of the STAR assessments.

20 (2) Existing technical reports, peer reviews, and other studies,
21 reports, and evaluations of the STAR Program conducted by or at
22 the request of the department, the Legislature, or the state board.

23 (3) State and federal requirements.

24 (4) A review of research-based alternative assessment models.

25 (5) A review of existing and emerging practices in large-scale
26 assessment from across the nation.

27 (b) The evaluation shall include, but shall not necessarily be
28 limited to, all of the following:

29 (1) A report on the results of prior analyses regarding the
30 alignment between the STAR assessments and the full range of
31 the content standards adopted pursuant to Sections 60605 and
32 60605.8, and a determination of whether the STAR Program
33 assesses pupil knowledge in the same manner and at the same level
34 of complexity as expected in those content standards.

35 (2) An independent analysis of the grade level continuity and
36 vertical articulation of the content standards.

37 (3) An independent analysis of the ability of the tests to produce
38 scores for an individual pupil that can be validly compared from
39 year to year for both groups and individuals.

1 (4) An independent analysis of the use of content standards in
2 other core curriculum areas for testing items, as applicable.

3 (5) A report on the results of prior analyses regarding pupil
4 performance, broken down by assessment, grade level, race or
5 ethnicity, and end-of-course assessments, including any trends that
6 become apparent over time.

7 (6) An independent analysis of the degree to which the STAR
8 Program complies with professional testing standards and satisfies
9 or exceeds state and federal requirements for assessments for each
10 grade level.

11 (7) An independent analysis of the usefulness of the STAR
12 Program in terms of state and local program evaluations.

13 (8) An independent analysis of the usefulness of the STAR
14 Program in providing individual results, providing a diagnostic
15 assessment for classroom use, and providing formative and interim
16 assessments in order to better inform instruction and improve
17 learning.

18 (9) An independent analysis of the feasibility and cost of the
19 development and administration of a diagnostic alternative test in
20 grade levels and content standard areas that are not required to
21 have an assessment under federal law.

22 (c) The report by the independent evaluator containing the
23 findings of his or her evaluation shall include, but shall not be
24 limited to, all of the following:

25 (1) Improving the quality, fairness, validity, and reliability of
26 the examinations for both groups and individuals, including pupils
27 with disabilities and English learners.

28 (2) Revising the design, administration, scoring, processing, or
29 use of the examinations to ensure compliance with state and federal
30 requirements in an efficient manner.

31 (3) Revising the examinations to improve grade level continuity
32 and vertical alignment of standards-aligned test content and the
33 ability of the tests to produce scores for an individual pupil that
34 can be validly compared from year to year.

35 (4) Revising the examination to improve integration of content
36 standards in other core curriculum areas for testing items, as
37 applicable.

38 (5) Improving the usefulness of the test to the state, local
39 educational agencies, schools, teachers, pupils, and parents,
40 including making use of test administration and scoring

1 technologies that will allow the return of test results to parents and
2 teachers as soon as possible in order to support instructional
3 improvement.

4 (6) Revising the STAR Program to provide pupil-level
5 diagnostic information, to provide a diagnostic assessment for
6 classroom use, and to provide formative and interim assessments
7 in order to better inform instruction and improve learning.

8 (7) Developing and implementing alternative diagnostic
9 assessments that align with state academic content standards.

10 (8) Developing and implementing alternatives to the current
11 testing format to allow the greatest aggregate base for assessing
12 districtwide performance on content standards.

13 (9) Transitioning to a system of high-quality assessments, as
14 defined in this chapter.

15 (10) Aligning the assessments with the content standards adopted
16 pursuant to Sections 60605 and 60605.8, and the performance
17 standards adopted pursuant to Section 60605.5.

18 (11) Ensuring that no aspect of the system creates any bias with
19 respect to race, ethnicity, culture, religion, gender, or sexual
20 orientation.

21 (12) Incorporating a variety of item types and formats, including,
22 but not limited to, open-ended responses and performance-based
23 tasks.

24 (13) Generating multiple measures of pupil achievement, which,
25 when combined with other measures, can be used to determine the
26 effectiveness of instruction and the extent of learning.

27 (14) Assessing a pupil's understanding of and ability to use the
28 technology necessary for success in the 21st century classroom
29 and workplace.

30 (15) Minimizing testing time, while not jeopardizing the validity,
31 reliability, fairness, or instructional usefulness of the assessment
32 results.

33 (d) In order to provide the Legislature with adequate information
34 to consider reauthorization of the STAR Program, the
35 Superintendent shall provide the evaluation to the Legislature, the
36 Governor, and the state board on or before November 1, 2011.

37 (e) The advisory committee established pursuant to Section
38 52052.5 shall advise the Superintendent on the independent
39 evaluation by providing all of the following:

1 (1) Recommendations regarding the parameters of the
2 evaluation.

3 (2) Recommendations regarding any request for proposals or
4 request for applications used to solicit contract proposals.

5 (3) Recommendations regarding the selection of the contractor.

6 (4) A review of any reports submitted by the independent
7 evaluator, including any midterm reports as well as the final
8 evaluation.

9 (f) The Superintendent shall appoint four additional members,
10 who shall be educators or individuals having expertise in
11 large-scale assessment and who shall serve only for the purposes
12 of subdivision (f), to the advisory committee established pursuant
13 to Section 52052.5.

14 (g) The department shall use federal funds ~~made available under~~
15 ~~Title VI of the federal No Child Left Behind Act of 2001 (20~~
16 ~~U.S.C. Sec. 7301 et seq.), not to exceed one hundred fifty thousand~~
17 ~~dollars (\$150,000), for the purpose of contracting for this~~
18 ~~evaluation. *This section shall become operative only if an*~~
19 ~~*appropriation is provided for its purposes in the annual Budget*~~
20 ~~*Act or another statute.*~~